

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL ANTHONY
THOMPSON (#701810),

Plaintiff,

Case No. 2:23-cv-13049
District Judge Jonathan J.C. Grey
Magistrate Judge Anthony P. Patti

v.

JODI DeANGELO, PAUL
SCHREIBER, BRITTANY
McCLAIN, ROBERT
THOMPSON, BENJAMIN
KLINE, KATLIN REED,
COLE CONNERS, JASON
GONZALES, JEFFERY SMITH,
and RICHARD D. RUSSELL,

Defendants.

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**ORDER TO DENY WITHOUT PREJUDICE PLAINTIFF'S MOTION TO
SUPPLEMENT COMPLAINT (ECF No. 19)**

Currently before the Court is Plaintiff's August 30, 2024 motion to supplement complaint (ECF No. 19), by which Plaintiff seeks to add "a claim of [First Amendment] retaliation by now Warden Paul Schreiber and Grievance Coordinator Gregory Mikat for placing Plaintiff on modified access to 90 days for

filing 8 grievances dealing with unsatisfactory conditions of the unit and facility” (ECF No. 19, PageID.240, 242.) (*See also id.*, PageID.247-248, 253; MDOC PD 03.02.130 ¶ R (“Retaliation against a prisoner/parolee for filing a grievance is prohibited.”).) Plaintiff also mentions Russell. (*See, e.g., id.*, PageID.254-256.)

Beyond mentioning Schreiber, Mikat, and Russell, Plaintiff lists 9 Grievance Identifier Numbers and attaches grievance documents (*see* ECF No. 19, PageID.243-245, 269-288, 290-296), and provides evidence of: (a) a May 24, 2024 MDOC Memorandum from Mikat to Plaintiff, citing MDOC PD 03.02.30 ¶ P and explaining that Schreiber had authorized placement “on Modified Access for an initial period not to exceed 90 calendar days[,]” (ECF No. 19, PageID.297); and, (b) a May 28, 2024 notice from the Michigan Supreme Court, stating Plaintiff’s May 2024 filing in Case No. 166589 was tardy (*id.*, PageID.289). Plaintiff also mentions the alleged events of June 2024. (*Id.*, PageID.245-246.)

To date, the MDOC Defendants have not filed a response to Plaintiff’s motion. Nonetheless, in light of the Court’s recommendation as to the initial, operative complaint (*see* ECF No. 22), Plaintiff’s motion to supplement his complaint (ECF No. 19) is **DENIED WITHOUT PREJUDICE** to his filing these claims against Schreiber, Mikat, and Russell concerning the alleged events of May 2024 and June 2024, if fully exhausted, in a separate action. Alternatively, should the Court reject the recommendation to dismiss all claims against all Defendants,

Plaintiff may file a new motion to supplement as to those Defendants who remain in this case.

IT IS SO ORDERED.¹

Dated: December 3, 2024



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

¹ The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).